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OFFICE OF PETITIONS

In re Application of
Donald Vinding.
Application No. 10/072,011
Filed: February 7, 2002
Attorney Docket No. 98408

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ON PETITION

This is a decision on the petition under 37 CFR §1.181, filed August 29, 2005.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due which was mailed August 17, 2004 and set a 3 month statutory period for reply. Extensions of time pursuant to 37 C.F.R. §1.136(a) were not available. Accordingly, this application became abandoned on November 18, 2004. A Notice of Abandonment was mailed on January 1, 2005.

Petitioner asserts that the Notice of Allowance and Issue Fee Due mailed on August 17, 2004 was never received. A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance was not in fact received.

Accompanying the petition is a statement by the practitioner stating the Notice of Allowance and Issue Fee Due was not received and attesting to the fact that a review of docket records indicates the Notice of Allowance and Issue Fee Due was not received. In addition a copy of docket records has been provided. Accordingly, petitioner has provided sufficient information to warrant the withdrawal of the holding of abandonment.

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions